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HON. LORETTA A. PRESKA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
500 PEARL STREET
NEW YORK, NEW YORK 10007

RESUBMIT MOTION FOR
DEFAULT JUDGMENT
DATED JULY 14, 2008 and
Per August 14, 2008 Motion

MAILED TO *per* COUNSEL 9/12

COURTESY COPY: Magistrate Judge Kevin Fox
Pro Se Clerk of Court

HAND DELIVERED TO CLERK OF COURT
By U.S. MAIL TO DEFENDANTS

COURT NUMBER-- No. 07 -Civ.7204(LAP)(KNF)
Eugene Fisch V. Republic of Poland, K. Dabrowski, Et.al.

FROM: Eugene Fisch—Plaintiff
1470 First Avenue(Apt 5-H)
New York, New York, 10075

DATE: September 4, 2008

DEFENDANTS

REPUBLIC OF POLAND, its Instrumentalities and/known

- 1) Krzystof Dabrowski, Trade Commissioner Republic of Poland Embassy
- 2) John Doe, Staff member located at 675-3rd Avenue, 19th Floor, unknown in name, present at the meeting when a Commercial agreement was reached between EJP and an Agent of the Republic of Poland—Trade Commissioner...K.Dabrowski on June 21, 2006.
- 3) Krzystof W. Kasprzyk—Consul General
- 4) Ms. Beda Peksa-Krawiec Permanent Mission of the Republic of Poland to the United Nations
- 5) Washington, D.C Republic of Poland Embassy, and known agents, and individually
- 5) Ambassador Janusz Reiter and its/ predecessors.
- 6) Wojciech Frela, Deputy Chief Of Mission, Charge D, Affairs.
- 7) Artur Wardzynski, First Secretary. Political Department
- 8) Lech Kaczynski, President of Poland,
Chancellery Of the President of the Republic of Poland
00-583- Warszawa, Poland
48-22-541-3832
- 9) Jaroslaw Kaczynski, FORMER-Prime Minister-Chairman of the Council Of Ministers of the Republic of Poland and its successor, Donald Tusk.

The Clerk of the Court shall enter a default judgment as to liability. The assigned magistrate judge shall conduct an inquiry on damages.

SO ORDERED

Loretta A. Preska
LORETTA A. PRESKA
UNITED STATES DISTRICT JUDGE

September 11, 2008

RECEIVED
SEP - 4 2008
LORETTA A. PRESKA
U.S. DISTRICT JUDGE
S. D. N. Y.

Al.Ujazdowskie 3
00-583-Warszawa,Poland
48-22-841-3832

10) **Anna Fortyga**... **FORMER** Secretary of State in the Ministry of Foreign Affairs
Al.J.CH.Szucha 23 00-580 Warszawa, Poland and its Successor Witold Sikorski.

1) **Plaintiff**, Eugene Fisch resubmits this MOTION FOR DEFAULT JUDGMENT pursuant to the Letter dated August 29,2008 from Pro Se Clerk received September 2,2008(See Exhibit Labeled A).

2) **Defendant**, Republic of Poland and its Agents here on the ground of United stated failed or refused to take all necessary measures in the criminal proceedings and to take steps to prevent abuses suffered by Plaintiff, or to punish personnel under their command for committing such abuses. Moreover, it should be noted that Agents/Officials named in this Civil Case issued by United States District Court—Southern District of New York have engaged in violation of breach of commercial activity, obstruction of justice, fraud, extortion and in violation of constitutional due process of a citizen of the U.S and in violation of the laws of the United States, New York State, and laws of Poland as noted pursuant Motion submitted on June 14,2008.

Authorities of the Republic of Poland's mission willfully and systematically sanctioned, horrifically mistreated Plaintiff, fraudulently breached a commercial contract, sanctioned rape, life threatening violence, and through its AGENTS present in the United States possessed and exercised command and control over the Republic of Poland personnel, including an Agent K.Dabrowski tortious criminal activity, who carried out the attack upon plaintiff Eugene Fisch.

These Defendants are Agents of the Republic of Poland. Plaintiff is someone who was painfully damaged as a direct result of the tragic night of horror and rape, a fraudulent breach of contract, loss of productive service to the community, loss of property, highly effective skills. His public revelation of his name and reputation, a victim many times over since the June 21st and June 27^h,2006.

Defendants' horrible wrongdoings, whose tortious misconducts are and continue to be morally reprehensible, and obviously deprived the most important civil right of Eugene Fisch, that all citizen in these United States are entitled *....equal protection, right to property, and liberty and its relationships to all citizenry rights that the Constitution assures and ultimately bears the responsibility for equal justice to be served fairly, honestly.* Defendants' conduct were shown to be premeditated, planned, and motivated by evil motive and intent, reckless and callous indifference to federally, constitutionally protected rights of a United State's citizen and against the laws of New York State, and directly attributable to the crime of FRAUDULENT BREACH OF CONTRACT on June 21,2006,of the CRIMES AGAINST HUMANITY of June 27,2006.

ALL actions of Republic of Poland's agents' ctions are accountable to the adherence and abiding interest to the laws of of the U.S., International Laws, and Laws of Poland. Defendants were notified nearly twenty eight months of the horrific abuses Plaintiff suffered as a result of June 27,2006 heinous crimes of rape, torture, kidnapping, assault, battery, fraud, and to this day, and to this hour, Agents hace

openly defied the Court, arrogantly and deceitfully failed to respond to this complaint and summons, have not met Court Deadline to respond when served and processed

It is unprecedented that two hundred forty days have passed and while victim of criminal activity is in a state of unbelievable harm, Defendants have not answered or made a motion, nor have been granted an extension for justice to be served.; Shame on them for corrupting a system wide Criminal justice system here in New York City. Hopefully it will not undermine the Civil Justice System.

AGENTS AND DEFENDANTS defied the Court rulings:

1)**Krzysztof Dabrowski**—TRADE COMMISSIONER, Republic of Poland EMBASSY of New York, 675-3rd Avenue, 675-3rd Avenue, 19th Floor, New York, NY. Residence--401-E.34th Street (Apt-S-31-B) New York City, New York 10016---and accepted by K.DABROWSKI at same address at 401-E.34th Street (Apt S-31-B by U.S. Marshall Number 7930 on December 6, 2007 and failed to meet deadline.

2)**Krzysztof W. Kasprzyk**—Consul General SERVED on October 16, 2006, and failed to meet Court Deadline to answer.

3)**Ambassador Janusz Reiter** SERVED on DECEMBER 13, 2007 and failed to meet deadline

4)**Wojciech Frela**, Deputy Chief Of Mission, Charge D, Affairs SERVED on DECEMBER 13, 2007 and failed to meet deadline..

5)**Artur Wardzynski**, First Secretary. Political Department SERVED on December 13, 2007 and failed to meet deadline.

Thanks to your Honor's clear instructions and pro Se's Clerk C.Lim prompt response, accordingly, Plaintiff is **Resubmitting Motion for Default Judgment dated August 14, 2008 and Motion for Default Judgment dated July 14, 2008** against the Republic of Poland, et.al which is affixed and labeled Exhibit B)

Pursuant to the Court's instruction. (SEE EXHIBIT Labeled A), plaintiff believes that it fulfills the Court's requirements that are stipulated in Letter dated August 29, 2008 .

1)SEE COPY OF SUMMONS labeled Exhibit D and sent to Each of the Defendants including Ministry of Justice of the Republic of Poland.

2) SEE COPY OF COMPLAINT Labeled Exhibit E sent to Defendants including

3) SEE COPY of STATEMENT OF DAMAGES Labeled Exhibit F

4)SEE COPY of U.S Marshall's (U.S.M-285) FORM

5)SEE COPY of CLERK OF COURT CERTIFICATIONS Labeled Exhibit G

a)Motion for Default Judgment for Resubmission stamped August 14, 2008 and July 14, 2008(SEE EXHIBIT A LABELED B)

b) Republic of Poland was served through its Ambassador Janusz Reiter and its Charge of D'Affairs. W.Frela and accepted by a designated authority at the Republic of Poland, Washington, D.C. Embassy and was so certified by Clerk of Court on January 3, 2008 and was recertified on August 14, 2008, and again is affixed, on this RESUBMIT MOTION FOR A DEFAULT JUDGMENT dated September 4, 2008..

c))Summons and Complaint in this action were served.

d)Government of Poland,et al, has not Responded to Plaintiff's Claims or Presented any Affirmative Defenses.

e)Affidavit of service were filed in this court individually and entered Via Clerk of Court and so stipulated and affixed in the Motion dated September 4,2008 for all five of the principal§ and U.S Marshall's USM -285 are affixed. I am further certifying, that a notarized copy of Affirmed Affidavit is attached SEE EXHIBIT D-1,D-2,D-3.These three Senior AGENTS OF THE REPUBLIC of Poland who represent the Mission's supreme authority, actions, command, and policies are wholly accountable to the laws of the United states and Laws of Poland. They have been served, and mocked the Court as well as two other senior co -conspirators as noted in the requirements pursuant to letter dated August 29,2008.

f)Court has sufficient knowledge that warrants a Default Judgment and justifiably give an Order, Decree, for a Default. To ease the bureaucratic process for swift and prompt justice, and for the your Honor's discretion, I have also included a Default Judgment Order in accordance with the Clerk of Court instructions labeled Exhibit H.

I also, certify that the Ministry of Justice of Poland as the Controlling Entity was, and continues to be informed of the due course of justice here in the United States, its actions and along with all Defendants were sent Via U.S Mail all correspondence, pleadings, and notifications of Default Judgments Pending before, as well as during the shoddy, deceitful scam of the Criminal Justice System,which makes this civil justice litigation.... all the more compelling.

..
Eugene Fisch, Plaintiff, respectfully asks the Court for a quick and prompt order granting a Default Judgment because further delay is likely to severely prejudice plaintiff's right to Equal Justice

It is further noted that Defendant is not an infant or an incompetent person, nor is he serving in the United States Armed Forces, and further noted that Court Records do not indicate, but Defendants were properly recorded by Clerk of Court, but not Recorded on Docket Entries and Court record.

Previous filings that are presently before the Court have been sworn before a Notary Public. It is true that Plaintiff's signature was duly noted and validated by Clerk of Court at the time of submission. Affidavit by plaintiff were filed according to prescribed Court Rules and as proof of Service, a copy of the summons, the complaint, the affidavit of service, statement of Damages, presently before the Court towards in the Proposed default judgment sought against Defendants which were properly and procedurally registered with Mr. Mike Lee -Default Judgment Clerk with Clerk of Court in accordance with instructions, dates and Court Rules dated on December 26,2007,December 28, 2007, and January 3,2008, and were attached to the Clerk of Court validation, affirmation/affidavit;

In the interest of Court Effectiveness, Plaintiff brings to Court's attention, the following actions and pleadings which were provided and ought to be recorded as Part

of the Docket management and judicial process dated december 26, 2007, 28, 2007 and January 3, 2008.

- 1)Default judgment for the Judge's Signature
- 2)Clerk's Certification
- 3)Supporting Affidavit/Affirmation
- 4)Statement of Damages
- 5)Copy of Summons, Complaint, Proof of Service of the Summons, Complaint
- 6)Docket Sheet

Eugene Fisch, Plaintiff, respectfully submits this Motion for A Default Judgment on this September 4,2008, and requests motion for default judgment be immediately granted per STATEMENT OF DAMAGES (SEE ATTACHED Exhibit Labeled F) in order to redress the injuries proximately and directly caused by Defendants' conduct, to prevent the substantial risk, and of irreparable injury which foreseeably may be caused to other persons of United States as a result of the Republic of Poland's deceitful Misconduct.

Plaintiff hereby requests relief in a DIRECT ORDER FOR DEFAULT JUDGMENT

Plaintiff EUGENE FISCH, proceeding pro se, does hereby affirm under the penalty of perjury that the accounts mentioned in this Motion for Default Judgment are true, and; a) the action was commenced on August 13,2007 by the filing of a June 14,2007 -- Complaint: Fisch V. Republic of Poland,et.al;and the issuance of a summons and Complaint--- **EUGENE FISCH**, Plaintiff is entitled to your affirmation and relief in this Resubmit Motion For a Default Judgment dated September 4,2008

Respectfully,



Eugene Fisch, Plaintiff
1475 First Avenue(5-H)
New York City, New York 10075
212-744 5430

DATE September 4,2008